

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Robert Leinfellner, et. al

Serial No.: 10/598,946

Group Art Unit: TBA

Filed: September 15, 2006

Examiner: TBA

For: Influencing Device For Control Apparatus

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed on Form PTO-1449, a copy of which is enclosed, are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items and to independently ascertain their teaching.

1. ☒ For each of the following items listed on the enclosed copy of Form PTO-1449 that is not in the English language, an English language translation of that item or a portion thereof, or a machine translation, or an English abstract, or a concise explanation of the relevance of that item is enclosed:

For German Search report for German Application number 10 2004 027 033.3 dated November 10, 2004, we include an English machine translation.

For DE 102 28 610 A1 we include an English abstract and machine translation.

For DE 101 06 504 A1 we disclose the also published as application US 2003/0171905 A1 on form PTO/SB/08A.

For DE 102 35 610 A1 we include an English abstract and machine translation.

For DE 10 303 490 A1 we disclose the also published as application US 2006/0178804 A1 on form PTO/SB/08A.

For DE 100 30 988 A1 we disclose the also published as application US 2003/0154322 A1 on form PTO/SB/08A.

Gorony, J.: Austausch in bewachter Form is described in German Search report for German Application number 10 2004 027 033.3 dated November 10, 2004, for which we include an English machine translation.

For PCT Search Report and Written Opinion for PCT/EP2005/002742 dated August 11, 2005, we include an English machine translation.

For Otterbach, R., "Rapid Control Prototyping - neue Möglichkeiten und Werkzeuge" VDI/VDE-Fachtagung: Steuerung Und Regelung Von Fahrzeugen Und Motoren-Autoreg 2004, 2 März 2004 *March 2, 2004)XP009050013 Mannheim is described in the PCT Search Report and Written Opinion for PCT/EP2005/002742 dated August 11, 2005, for which we include a machine translation.

For "Whitepaper Applikations - und Meßsysteme", ETAS Engineering Tools, 1998 ETAS GmbH & Co.KG, Stuttgart we include an English version of the publication.

For SCHAUFFELE, JORG, "Automotive Software Engineering", ATZ-MTZ-Fachbuch we include an English translation.

2. ☐ For each of the following items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application.
3. ☐ Any copy of the items listed on the enclosed copy of Form PTO-1449 that is not enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in application Serial No. _____, filed _____.
4. ☒ No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:
 - ☐ 37 C.F.R. §1.97(b)(1), within three months of the filing date of a national application other than a CPA; or
 - ☐ 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491 in an international application; or
 - ☒ 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office action on the merits; or
 - ☐ 37 C.F.R. §1.97(b)(4) before the mailing date of a first office action after the filing of an RCE under §1.114.
5. ☐ No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(c) set forth in paragraph 9 below.
6. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a notice of allowance (where there has been no prior final action):
 - ☐ A check in the amount of \$180.00 is enclosed in payment of the fee.
 - ☐ Charge the fee to Deposit Account No. 03-1240, Order No. _____. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.
7. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a notice of allowance, whichever comes first, but before payment of the issue fee, and is accompanied by:
 - a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below; and

- b. the fee due under 37 C.F.R. §1.17(p) which is paid as set forth in paragraph 11 below.
8. ☐ This Information Disclosure Statement is being filed in compliance with:
- a. ☐ 37 C.F.R. §1.313(b)(3) or §1.313(c)(1), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition To Withdraw Application From Issue and fee pursuant to 37 C.F.R. §1.17(h);
- b. ☐ 37 C.F.R. §1.313(c)(2) or §1.313(c)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Request for Continued Examination (RCE) or a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition To Withdraw Application From Issue and fee pursuant to 37 C.F.R. §1.17(h).
- c. ☐ The fee due under 37 C.F.R. §1.17(h) is paid as set forth in paragraph 11 below.
9. ☐ I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- ☐ I hereby certify that no item of information in the Information Disclosure Statement filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
10. ☒ This document is accompanied by ☒ a Search Report ☐ Communication which was cited in a corresponding ☒ PCT or ☒ Foreign counterpart application.
11. ☐ A check in the amount of \$ _____ is enclosed in payment of the fees due under 37 C.F.R. §§1.17(h) and 1.17(p).
- ☐ Charge the fees due under 37 C.F.R. §§1.17(h) and 1.17(p) to Deposit Account No.03-1240, Order No. _____. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 03-1240, Order No. 17228.009. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,
CHADBOURNE & PARKE, L.L.P.

Datd: January 31, 2008

By: /Joseph A. Calvaruso/
Joseph A. Calvaruso
Registration No. 28,287

Correspondence Address:

CHADBOURNE & PARKE, L.L.P.
30 Rockefeller Plaza
New York, NY 10112
212-408-5100 Telephone
212-541-5369 Facsimile